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10/632,690	08/01/2003	David Fusari	\$1389,70015US00	3636
Richard Giunta 7590 01/25/2008				
Wolf, Greenfield & Sacks, P.C. 600 Atlantic Avenue Boston, MA 02210				
EXAMINER				
SWEARINGEN, JEFFREY R				
ART UNIT		PAPER NUMBER		
2145				
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/632,690

**Applicant(s)**

FUSARI, DAVID

**Examiner**

Jeffrey R. Swearingen

**Art Unit**

2145

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 09 October 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-41 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-41 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 August 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-8508)
- Paper No(s)/Mail Date \_\_\_\_\_

- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

1. This case has been reassigned to a new Examiner.

#### ***Response to Arguments***

2. Applicant's arguments with respect to claims 1-41 have been considered but are moot in view of the new ground(s) of rejection.

#### ***Drawings***

3. The drawings are objected to because they are handwritten and illegible. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

#### ***Claim Rejections - 35 USC § 112***

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:  
  
The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
5. Claims 1-24 and 35-39 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

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6. Claims 1-24 and 35-39 are rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential structural cooperative relationships of elements, such omission amounting to a gap between the necessary structural connections. See MPEP § 2172.01. The omitted structural cooperative relationships are: Claim 1 is written as a hybrid claim. A system is claimed in the preamble, and then alternately a method is claimed in the preamble. There is no direct structure showing that the method is performed on the system in question. It is unclear whether Applicant is attempting to claim a method or a system in this claim and its dependents. Claim 4 is similar in form to claim 1, invoking both a system and method but never showing the structure of the system that performs the steps of the method. Claims 13 and 16 further use a computer readable medium to be used in a system, and then describes the method which is not structurally executed on either the computer-readable medium or the system. .

***Claim Rejections - 35 USC § 102***

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

8. Claims 1-41 are rejected under 35 U.S.C. 102(e) as being anticipated by Underwood (US 7,100,195).

9. In regard to claims 1, 4, 13, 16, 25, 27, Underwood disclosed:

*(a) receiving from the first client first information that uniquely identifies an aspect of the first client;* column 21, line 64 – column 23, line 18

*(b) receiving from the remote application server second information that uniquely identifies an aspect of a remote client on which the at least one remote application is emulated;* column 21, line 64 – column 23, line 18

*(c) determining that the at least one remote application is emulated on the first client and may belong to the context when the first information matches the second information; and column 21, line 64 – column 23, line 18*

*(d) if it is determined in the act (c) that the at least one remote application is emulated on the first client, allowing the at least one remote application and the at least one client application to belong to the context. column 21, line 64 – column 23, line 18*

10. In regard to claims 2, 14, Underwood disclosed:

*wherein the act (a) comprises an act of receiving from the first client first information that comprises a hardware address for the first client; column 21, line 64 – column 23, line 18; column 106, lines 31-41*

*wherein the act (b) comprises an act of receiving from the remote application server a hardware address for the remote client on which the at least one remote application is emulated; column 21, line 64 – column 23, line 18; column 106, lines 31-41*

*and wherein the act (c) comprises an act of determining that the at least one remote application is emulated on the first client and may belong to the context when the hardware address in the first information matches the hardware address in the second information. column 21, line 64 – column 23, line 18; column 106, lines 31-41*

11. In regard to claims 3, 15, Underwood disclosed:

*the act (b) comprises an act of receiving, at the remote application server, the hardware address transmitted from the remote client on which the at least one remote application is enabled. column 21, line 64 – column 23, line 18; column 106, lines 31-41*

12. In regard to claims 5, 17, 28, Underwood disclosed:

*each client that emulates a remote application executing on the at least one remote application server logs into the remote application server using login information, wherein the first information comprises the login information for the client on which the first remote application is emulated and the second information comprises the login information for the client on which the second remote application is emulated. Column 51, line 40 – column 52, line 23*

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13. In regard to claims 6, 18, 29, Underwood disclosed:

*the login information comprises a user identifier. Column 51, line 40 – column 52, line 23*

14. In regard to claims 7, 19, 30, Underwood disclosed:

*an act of (e) receiving from the same client information that uniquely identifies the aspect of the client identified by the first information in the act (a) and information that uniquely identifies the aspect of the client identified by the second information in the act (b); and column 21, line 64 – column 23, line 18; column 106, lines 31-41*

*wherein the act (c) comprises an act of determining that the first and second remote applications are emulated on the same client and may belong to the same context when the first information matches the second information. column 21, line 64 – column 23, line 18; column 106, lines 31-41*

15. In regard to claims 8, 20, 31, Underwood disclosed:

*wherein the act (c) comprises determining that the first and second remote applications are emulated on the same client and may belong to the same context when the first information matches the second information. column 21, line 64 – column 23, line 18; column 106, lines 31-41*

16. In regard to claims 9, 21, 32, Underwood disclosed:

*the first information comprises an address of the client on which the first remote application is emulated and the second information comprises an address of the client on which the second remote application is emulated. column 21, line 64 – column 23, line 18; column 106, lines 31-41*

17. In regard to claims 10, 12, 22, 24, 33, 35, Underwood disclosed:

*the first information comprises an internet protocol (IP) address of the client on which the first remote application is emulated and the second information comprises an IP address of the client on which the second remote application is emulated. column 21, line 64 – column 23, line 18; column 106, lines 31-41*

18. In regard to claims 11, 23, 35, Underwood disclosed:

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*the first information further comprises an address of the client on which the first remote application is emulated and the second information further comprises an address of the client on which the second remote application is emulated. column 21, line 64 – column 23, line 18; column 106, lines 31-41*

19. In regard to claim 26, Underwood disclosed:

*the controller receives from the first client first information that comprises a hardware address for the first client, receives from the remote application server a hardware address for the remote client on which the at least one remote application is emulated, and determines that the at least one remote application is emulated on the first client and may belong to the same context when the hardware address in the first information matches the hardware address in the second information. column 21, line 64 – column 23, line 18; column 106, lines 31-41*

20. In regard to claims 36, 38, 40, Underwood disclosed:

*(e) if it is determined in the act (c) that the at least one remote application is not emulated on the first client, preventing the at least one remote application and the at least one client application from belonging to the context. Column 91, lines 33-44*

21. In regard to claims 37, 39, 41, Underwood disclosed:

*(e) if it is determined in the act (c) that the at least one remote application is not emulated on the first client, preventing the first and second remote applications from belonging to the same context. Column 91, lines 33-44*

### **Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffrey R. Swearingen whose telephone number is (571)272-3921. The examiner can normally be reached on M-F 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jason Cardone can be reached on 571-272-3933. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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Examiner  
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